

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ALBERTO RIVERA,	:	
Petitioner,	:	Civ. No. 22-859 (RBK)
v.	:	
LAMINE N'DIAYE,	:	MEMORANDUM & ORDER
Respondent.	:	
	:	

Petitioner is a federal prisoner currently incarcerated at F.C.I. Fort Dix, in Fort Dix, New Jersey. He is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Previously, this matter was administratively terminated as Petitioner did not pay the filing fee nor apply to proceed *in forma pauperis*. Subsequently, Petitioner applied for *in forma pauperis* status such that the Clerk will be ordered to reopen this case. Petitioner's application to proceed *in forma pauperis* shall also be granted.

In accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b) of the Rules Governing Section 2254 Cases, this Court has screened the petition for dismissal and determined that dismissal without an answer and the record is not warranted.

Therefore, IT IS on this 28th day of June 2022,

ORDERED that the Clerk shall reopen this case; and it is further

ORDERED that Petitioner's application to proceed *in forma pauperis* (Dkt. No. 3) is granted); and it is further

ORDERED that the Clerk shall serve a copy of the petition (Dkt. No. 1) and this order upon Respondent by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk shall forward a copy of the petition (Dkt. No. 1) and this order to the Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

ORDERED that within forty-five (45) days of the date of the entry of this order, Respondent shall file and serve a response which responds to the allegations and grounds in the petition and which includes all affirmative defenses Respondent seeks to invoke; in addition to any other arguments Respondent may make, Respondent shall specifically address what impact, if any, *Hope v. Warden York Cty. Prison*, 972 F.3d 310 (3d Cir. 2020) and its progeny has on Petitioner's alternative request to be released from prison in this habeas action so he can pursue his own medical care; and it is further

ORDERED that Respondent shall file and serve with the response certified copies of all documents necessary to resolve Petitioner's claims and affirmative defenses; and it is further

ORDERED that within forty-five (45) days of receipt of the response, Petitioner may file a reply; and it is further

ORDERED that within seven (7) days of Petitioner's release, be it parole or otherwise, Respondent shall electronically file a written notice of the same with the Clerk; and it is further

ORDERED that the Clerk shall serve this order on Petitioner by regular U.S. mail.

s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge